



PUBLIC NOTICE

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DA 14-629

Released: May 12, 2014

Applications Granted for the Acquisition of Certain Assets of MexTel Corporation, LLC d/b/a LifeTel

WC Docket Nos. 13-154 and 13-155

On June 11, 2013, MexTel Corporation, LLC d/b/a LifeTel (LifeTel), TerraCom, Inc. (TerraCom), and UTPhone, Inc. (UTPhone) (collectively Applicants) filed applications pursuant to section 63.03 of the Commission's rules to transfer control of certain assets of LifeTel to TerraCom and UT Phone.¹ LifeTel was a competitive local exchange carrier (LEC) in Oklahoma. On December 8, 2011, it consummated a transaction, without Commission authority, whereby it transferred approximately two-thirds of its customers to TerraCom and approximately one-third of its customers to UTPhone.² TerraCom and UTPhone are certified competitive LECs and Eligible Telecommunications Carriers in Oklahoma. For reasons described below, the Bureau has determined that granting these applications serves the public interest and has granted them.³

On July 3, 2013, the Bureaus released public notices accepting the applications for streamlined processing.⁴ On August 2, 2013, the Bureau removed both applications from streamlining for further analysis to determine whether the transactions served the public interest.⁵

¹ 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214. Application of MexTel Corporation, LLC d/b/a LifeTel and TerraCom, Inc. for Consent to Transfer Assets, WC Docket No. 13-154 (filed June 11, 2013) (TerraCom Application); Application of MexTel Corporation, LLC d/b/a LifeTel and UTPhone, Inc. for Consent to Transfer Assets, WC Docket No. 13-155 (filed June 11, 2013) (UTPhone Application).

² The Wireline Competition Bureau (Bureau) granted Applicants' request for Special Temporary Authority (STA) for authorization to continue to provide service pending approval of these applications. Letter from Ross A. Buntrock and Katherine E. Barker Marshall, Counsel to MexTel Corporation, LLC d/b/a LifeTel and TerraCom, Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 13-154 (filed June 10, 2013) (TerraCom STA Letter); Letter from Ross A. Buntrock and Katherine E. Barker Marshall, Counsel to MexTel Corporation, LLC d/b/a LifeTel, and James M. Smith, Counsel to UTPhone, Inc. to Marlene H. Dortch, Secretary, FCC, WC Docket No. 13-155 (filed June 10, 2013) (UTPhone STA Letter).

³ *Implementation of Further Streamlining Measures for Domestic Section 214 Authorizations*, CC Docket No. 01-150, Report and Order, 17 FCC Rcd 5517, 5540, para. 45 (2002).

⁴ *Domestic Section 214 Application Filed for the Acquisition of Certain Assets of MexTel Corporation, LLC d/b/a LifeTel by TerraCom, Inc.*, WC Docket No. 13-154, Public Notice, 28 FCC Rcd 9453 (Wireline Comp. Bur. 2013) (TerraCom Public Notice); *Domestic Section 214 Application Filed for the Acquisition of Certain Assets of MexTel Corporation, LLC d/b/a LifeTel by UTPhone Inc.*, WC Docket No. 13-155, Public Notice, 28 FCC Rcd 9455 (Wireline Comp. Bur. 2013) (UTPhone Public Notice).

⁵ *Notice of Removal of Domestic Section 214 Applications from Streamlined Treatment*, WC Docket Nos. 13-154, 13-155, Public Notice, 28 FCC Rcd 11149 (Wireline Comp. Bur. 2013).

The Bureau finds, upon consideration of the record, that approving the transactions will serve the public interest, convenience, and necessity.⁶ Applicants state that LifeTel's customers received notice of the transactions in 2011 and continued to receive service at the same rates, terms, and conditions post consummation.⁷ TerraCom and UTPhone state that they have instituted safeguards to ensure that they do not undertake future transactions without prior Commission approval as required under section 214 of the Act and our rules.⁸ Accordingly, considering the applications' statements, the Bureau grants the applications without prejudice to any enforcement action by the Commission.⁹ Applicants have acknowledged that grant of the applications will not alter their responsibility to comply with any enforcement action related to the transactions.¹⁰

Pursuant to Sections 4(i) and 214 of the Communications Act of 1934, as amended,¹¹ and Section 0.291 of the Commission's rules,¹² the Bureau, under delegated authority, grants the applications listed herein. Further pursuant to section 1.103 of the Commission's rules, 47 C.F.R. § 1.103, the consent granted herein is effective upon the release of this Public Notice. Petitions for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of this Public Notice.

For further information, please contact Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, at (202) 418-0809.

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⁶ See 47 U.S.C. §§ 214(a).

⁷ TerraCom Application at 8; UTPhone Application at 8.

⁸ 47 U.S.C. § 214; 47 C.F.R. §§ 63.03-04; TerraCom Application at 8; UTPhone Application at 8; TerraCom STA Letter at 2; UTPhone STA Letter at 2.

⁹ The STA authorizing Applicants to continue providing service pending approval of their applications was also granted without prejudice to Commission enforcement action. *TerraCom Public Notice*, 28 FCC Red at 9452; *UTPhone Public Notice*, 28 FCC Red at 9455.

¹⁰ Letter from Ross A. Buntrock and Katherine E. Barker Marshall, Counsel to MexTel Corporation, LLC d/b/a LifeTel and TerraCom, Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 13-154 (filed April 14, 2014); Letter from Ross A. Buntrock and Katherine E. Barker Marshall, Counsel to MexTel Corporation, LLC d/b/a LifeTel, and James M. Smith, Counsel to UTPhone, Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 13-155 (filed April 14, 2014).

¹¹ 47 U.S.C. §§ 154(i), 214.

¹² 47 C.F.R. § 0.291.